



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 1147-00
26 May 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 17 April 1943 at the age of 19. Your record reflects that on 3 January 1944 you received captain's mast for a day of unauthorized absence (UA) and were awarded restriction for 10 days. On March 1944 you were convicted by summary court-martial (SCM) of a three day period of UA and missing the movement of your ship. You were sentenced to confinement for 20 days and forfeitures totalling \$10. On 12 July and 3 November 1944 you were convicted by deck court of two periods of UA totalling four days.

Your record further reflects that on 13 February 1945 you were convicted by general court-martial (GCM) of a 20 day period of UA. You were sentenced to confinement for 12 months, seven of which were suspended, and a bad conduct discharge (BCD). The BCD was approved at all levels of review, however, the discharge authority ordered the BCD held in abeyance. At this time you were informed that the BCD would be immediately executed if your misconduct continued. On 13 July 1945, upon release from confinement, you were restored to active duty. On 25 October

1945 you received captain's mast for a 20 day period of UA. At this time the suspended sentence of the GCM held on 13 February 1945 was vacated and the BCD was ordered executed upon completion of confinement. Subsequently, on 24 May 1946 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and your contention that you would like your discharge upgraded. The Board also considered your contentions of maladjustment and segregation. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your frequently periods of UA and your continued misconduct after you were restored to active duty. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director